

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred Senate Bill 129, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 5, delete "As used in this chapter, "employee" means a
- 2 full-time" and insert "**This chapter applies after December 31,**
- 3 **2007.**".
- 4 Page 1, delete lines 6 through 17, begin a new paragraph and insert:
- 5 "**Sec. 2. As used in this chapter, "employee" means a full-time**
- 6 **employee of a police or fire department. However, the term does**
- 7 **not include an employee in an upper level policymaking position.**
- 8 **Sec. 3. As used in this chapter, "employee organization" means**
- 9 **an organization:**
- 10 **(1) that includes employees as members; and**
- 11 **(2) whose primary purpose is to represent the members of the**
- 12 **organization on issues concerning grievances, wages, rates of**
- 13 **pay, hours of employment, conditions of employment, or**
- 14 **becoming an exclusive recognized representative.**

1 **Sec. 4. As used in this chapter, "employer" means a unit.**

2 **Sec. 5. As used in this chapter, "exclusive recognized**
 3 **representative" means an employee organization elected under**
 4 **section 9 of this chapter.**

5 **Sec. 6. As used in this chapter, "strike" means a:**

6 (1) work stoppage by two (2) or more employees to enforce
 7 compliance with demands made on an employer; or

8 (2) temporary stoppage of work activities by two (2) or more
 9 employees in protest against an act or condition.

10 **Sec. 7. (a) Except as provided in section 15 of this chapter, this**
 11 **chapter does not apply to an employer with a population of less**
 12 **than seven thousand (7,000).**

13 **(b) This chapter does not apply to an employer that has adopted**
 14 **by:**

15 (1) ordinance;

16 (2) resolution;

17 (3) amendment; or

18 (4) executive order;

19 **provisions and procedures that permit an employee to form, join,**
 20 **or assist an employee organization to bargain collectively.**

21 **(c) For:**

22 (1) a collective bargaining agreement; or

23 (2) a memorandum of understanding;

24 **entered into between an employer and an employee organization**
 25 **or a recognized representative before January 1, 2008, this chapter**
 26 **may not be construed to annul, modify, or limit the agreement or**
 27 **memorandum during the term of the agreement or memorandum.**

28 **Sec. 8. (a) All employees have the right to:**

29 (1) meet and freely assemble to discuss their interests as
 30 employees on the employees' own time;

31 (2) form an employee organization on the employees' own
 32 time; and

33 (3) join and assist an employee organization.

34 **(b) The rights guaranteed under subsection (a) include the right**
 35 **to:**

36 (1) solicit membership;

37 (2) join an employee organization to present the view of the
 38 employee; and

(3) have dues deducted from employee wages and submitted to the exclusive recognized representative.

(c) An employee may not be required to:

(1) become a member of; or

(2) pay dues to;

an employee organization.

Sec. 9. (a) An employee organization is the exclusive recognized representative of the employees of an employer if:

(1) before January 1, 2008, the employee organization was recognized by the employer as the sole representative of the employer's employees; or

(2) after December 31, 2007, the employee organization is elected to be the exclusive recognized representative under subsection (c).

(b) After December 31, 2007, an employer shall conduct an election to determine an exclusive recognized representative if at least thirty percent (30%) of the employees of the employer sign a petition requesting such an election. The election shall be conducted at least thirty (30) but not more than sixty (60) days after the employer receives the petition.

(c) An employee organization becomes the exclusive recognized representative of the employees of the employer if it receives more than fifty percent (50%) of the votes cast in an election conducted under subsection (b).

(d) An election under subsection (b) to determine an exclusive recognized representative may not be conducted more often than once every two (2) years.

Sec. 10. This chapter is not intended to circumscribe or modify the existing right of an employer to:

(1) direct the work of the employer's employees;

(2) hire, promote, demote, transfer, assign, and retain employees in positions;

(3) suspend, discharge, or otherwise discipline employees for just cause;

(4) maintain the efficiency of governmental operations;

(5) relieve employees from duties because of lack of work or for other legitimate reasons; or

(6) take actions that may be necessary to carry out the mission

1 of the employer in emergencies.

2 **Sec. 11. An employer may not do the following:**

3 (1) Interfere with, restrain, or coerce employees in the
4 exercise of the rights guaranteed under this chapter.

5 (2) Dominate, interfere with, or assist in the formation or
6 administration of an employee organization, or contribute
7 financial or other support to an employee organization.
8 However, an employer may permit employees to meet and
9 confer and represent employee interests during working
10 hours without loss of time or pay.

11 (3) Discriminate in regard to hiring or conditions of
12 employment to encourage or discourage membership in an
13 employee organization.

14 (4) Discharge or otherwise discriminate against an employee
15 because the employee has filed a complaint, an affidavit, or a
16 petition or has given information or testified under this
17 chapter.

18 (5) Refuse to meet and confer in good faith with an exclusive
19 recognized representative.

20 **Sec. 12. (a) An exclusive recognized representative of the**
21 **employees of an employer that elects to meet and confer with an**
22 **employer must notify the employer in writing that the exclusive**
23 **recognized representative intends to exercise its rights under this**
24 **chapter.**

25 (b) Except as provided by section 13 of this chapter, an
26 employer who has received a written notice under subsection (a)
27 shall meet and confer in good faith at reasonable times, including
28 meeting in advance of the budget making process, to discuss issues
29 and proposals regarding wages, hours of employment, and other
30 conditions and terms of employment with the exclusive recognized
31 representative.

32 **Sec. 13. (a) An employer is not required to meet and confer with**
33 **an exclusive recognized representative under this chapter unless**
34 **the exclusive recognized representative has notified the employer**
35 **in writing that the exclusive recognized representative elects to**
36 **exercise its rights under this chapter.**

37 (b) Notwithstanding subsection (a), an employer may elect to
38 meet and confer and enter into an agreement under section 12 of

1 this chapter even if the employer did not receive a written notice
2 from an exclusive recognized representative.

3 (c) Notwithstanding any provision of this chapter, an employer
4 may elect to terminate its duty to meet and confer with an exclusive
5 recognized representative under this chapter if:

6 (1) after meeting and conferring with the exclusive recognized
7 representative under section 12 of this chapter, the employer
8 and the exclusive recognized representative are unable to
9 reach a written agreement under this chapter; and

10 (2) at least fifty percent (50%) of the members of the
11 legislative body of the employer vote to terminate the
12 employer's duty to meet and confer with the exclusive
13 recognized representative under this chapter and written
14 notice of the action of the legislative body is given to the
15 exclusive recognized representative.

16 (d) An exclusive recognized representative that receives a
17 termination notice from an employer under subsection (c)(2) must
18 wait at least one (1) year after the date the exclusive recognized
19 representative receives the notice to notify the employer of the
20 exclusive recognized representative's election under subsection (a)
21 to exercise its rights under this chapter.

22 Sec. 14. (a) As used in this section, "deficit financing" means
23 making expenditures that exceed the money legally available to an
24 employer in any budget year.

25 (b) An employer may not enter into an agreement under section
26 12 of this chapter that will place the employer in a position of
27 deficit financing. An agreement is voidable to the extent that an
28 employer must engage in deficit financing to comply with the
29 agreement.

30 Sec. 15. (a) This section applies to employees of an employer
31 regardless of population.

32 (b) An employee, an employee organization, or an exclusive
33 recognized representative may not participate in or encourage
34 participation in a strike against an employer.

35 (c) An employee engaging in a strike is subject to discharge by
36 the employer as provided in IC 36-8-3-4.

37 (d) An exclusive recognized representative that engages in or
38 sanctions a strike loses the right to represent the employees for at

- 1 least ten (10) years after the date of the action.
- 2 (e) An employer may not pay an employee for days the
- 3 employee is engaged in a strike.
- 4 Sec. 16. The term of any written agreement entered into under
- 5 section 12 of this chapter may not exceed forty-eight (48) months.
- 6 SECTION 2. [EFFECTIVE JULY 1, 2007] (a) This section applies
- 7 after December 31, 2007.
- 8 (b) This act does not:
- 9 (1) apply to or abrogate a collective bargaining agreement or
- 10 memorandum of understanding; or
- 11 (2) preclude arbitration on a provision in a collective
- 12 bargaining agreement or memorandum of understanding;
- 13 in effect on December 31, 2007.
- 14 (c) This SECTION expires July 1, 2008."
- 15 Delete pages 2 through 5.
- (Reference is to SB 129 as printed February 16, 2007.)

and when so amended that said bill do pass.

Representative Cheney